

Communications
Workers of America
AFL-CIO, CLC

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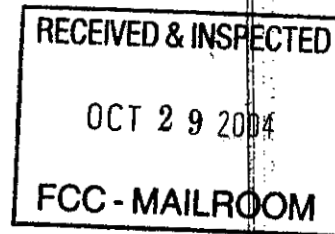
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Federal Communications Commission
Office of the Secretary

Via Fax

October 29, 2004

ORIGINAL



Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ex Parte Notice. WC Docket No. 03-211. In the Matter of Vonage
Holdings Corp. Petition for Declaratory Ruling Concerning an Order of
the Minnesota Public Utilities Commission

WC Docket No. 04-36. In the Matter of IP-Enabled Services

Dear Ms. Dortch:

The Communications Workers of America sent the attached letter in the
aforementioned proceeding to Chairman Michael Powell, Commissioner
Jonathan Adelstein, Commissioner Michael Copps, Commissioner Kevin
Martin, and Commissioner Kathleen Abernathy.

Sincerely,

Debbie Goldman
Telecommunications Policy Director

cc: Commissioner Michael Copps
Commissioner Jonathan S. Adelstein
Commissioner Kevin J. Martin
Commissioner Kathleen Q. Abernathy

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Via Fax

October 29, 2004

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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OCT 29 2004

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Dear Chairman Powell:

Re: WC Docket No. 03-211. In the Matter of Vonage Holdings Corp. Petition for
Declaratory Ruling concerning an Order of the Minnesota Public Utilities
Commission

WC Docket No. 04-36. In the Matter of IP-Enabled Services

There have been reports in the press that the Commission may soon decide issues related to the proper jurisdiction of Voice over Internet Protocol telephone service (VoIP), leaving for a later time other decisions regarding the proper regulatory treatment of VoIP and other IP-enabled services.

The Communications Workers of America (CWA) urges the Commission to address jurisdictional issues expeditiously in the context of a comprehensive rulemaking. Separating out jurisdictional issues related to VoIP may have serious consequences for a number of policy issues, particularly universal service and intercarrier compensation. In order to ensure that consumers in rural and other underserved areas have affordable access to advanced services, the Commission will have to take into consideration the universal service responsibilities of VoIP providers and to ensure such services fulfill their access charge responsibilities.

Premature decisions on jurisdictional issues would seriously implicate universal service. At least 24 states disburse \$1.9 billion from their own universal service programs. The majority of those programs are based on intrastate assessments. Any ruling that VoIP is interstate could increase pressures on the federal universal service program or potentially lead to rate increases for rural and low-income consumers.

Moreover, the concern that states will rush to enact unnecessary economic regulation on the nascent service is overblown. The two states that attempted to address VoIP service, Minnesota and New York, limited their rulemaking to non-economic issues.

The Honorable Michael Powell
October 29, 2004
Page 2

Specifically, the Minnesota Commission focused on the provision of 9.1 services. New York simply required certification, providing Vonage sufficient time to negotiate appropriate waivers with the Commission.

If the Commission does proceed with a bifurcated rulemaking on VoIP, CWA encourages the Commission to preserve for the states an appropriate role in ensuring public safety, network reliability, certification of service, consumer protection, disability access, and universal service.

CWA believes that VoIP telephony offers tremendous opportunity to improve the ways Americans communicate, but only if we adopt policies to ensure that all providers of these services meet their obligations for network reliability, public safety, universal service, disability access, and consumer protections that have been the hallmark of the U.S. communications system.

The growth of VoIP and other IP-enabled services will stimulate demand for access to high-bandwidth Internet networks, which in turn will jumpstart the depressed telecommunications and information sectors of our economy. Over the past three years, these sectors have lost more than 900,000 jobs. CWA-represented jobs in the telecommunications industry have declined by more than 70,000 over the past two years. A universal high-speed Internet network will stimulate the creation of 1.2 million jobs throughout the economy and \$500 billion in consumer benefits.

CWA firmly believes that the Commission must construct a new regulatory framework for VoIP from a simple starting point: all providers of voice telecommunications services must be subject to the same public safety and social obligations regardless of the platform used to provide the service. This will foster an environment of innovation and growth in the marketplace based on superior service and technology, not regulatory arbitrage. It will ensure that VoIP carriers that rely on the public switched network to originate or complete calls contribute to the maintenance of that network.

At the same time, CWA recognizes that VoIP is an emerging technology and market in which no VoIP carrier possesses economic power to control rates, terms, or conditions of service. Therefore, VoIP carriers should not be subject to rate regulation.

Sincerely,



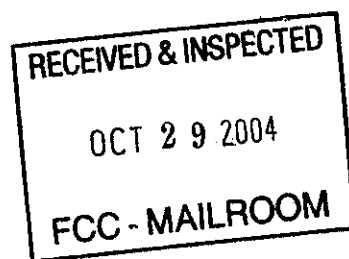
Morton Bahr
President

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Kevin J. Martin
Commissioner Kathleen Q. Abernathy

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From: Debbie Goldman
Research Economist

Subject:

COMMENTS:

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